

*Milwaukee County Personnel Review Board*

*Meeting Minutes – November 22, 2016*

**I. Roll Call**

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:01 a.m. on Tuesday, November 22, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Mr. Rufino Gaytán III and Mr. Daniel Dennehy. Ms. Mary K. Bruno and Ms. Melissa Soberalski were excused.

**II. Approval of the Minutes of the November 8, 2016 Meeting**

This agenda item was laid over to the next Personnel Review Board Meeting on December 6, 2016.

**III. Communications and/or comments from the public, if any**

None.

**IV. Correspondence**

None.

**V. First Appearances**

**A. DISCHARGES**

**SHARON CHANEY, SR. CLERICAL ASSISTANT, CLERK OF CIRCUIT COURT**

**Case #2-4375 dated 11/08/2016**

The Board heard the report of Attorney Craig Johnson, on behalf of AFSCME District Council 32, that Sharon Chaney, who was present, waived her right to a hearing within 21 days and is requesting a hearing certain. Attorney Jennifer Rhodes, Assistant Corporation Counsel, requested the matter be continued for hearing certain on January 31, 2017. Attorney Craig Johnson concurred. Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (3-0), continued the matter for hearing certain on January 31, 2017.

**PURNELL JOHNSON, JUVENILE CORRECTION OFFICER, DELINQUENCY & COURT SERVICES**

**Case #2-4376 dated 11/08/2016**

The Board heard the report of Attorney Craig Johnson, on behalf of AFSCME District Council 32, that Purnell Johnson, who was not present, reached an agreement with the appointing authority for a time served suspension from the date charges were issued to November 22, 2016. Attorney Molly Zillig, Assistant Corporation Counsel, concurred. The Board accepted the agreement and closed the case.

## **VI. Update**

### **ANTHONY MOFFETT, CAPTAIN, SHERIFF**

**Case #2-4157 dated 09/24/2014 for IA #14-078**

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Anthony Moffett's application for disability retirement is pending review by the Pension Board and requested the matter be continued for an update report. The Board expressed its concern in continuing this matter as it has been placed to Call of the Chair for two and a half years. Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (3-0) continued the matter for hearing certain on February 14, 2017.

Additionally, the Board will contact the Milwaukee County Pension Board for clarification as to the delay in the resolution of Mr. Moffett's disability retirement application.

## **VII. Hearings**

### **A. DISCHARGE**

#### **BRIAN FOX, DEPUTY SHERIFF 1, SHERIFF**

**Case #2-4353 dated 08/30/2016 for IA #16-089**

*At 2:18 p.m., Mr. Renz moved, Mr. Gaytán seconded, and the Board voted 3-0 to go into closed session to deliberate on the Brian Fox and Jacob Miller matters. At 3:02 p.m., the Board reconvened in open session.*

Mr. Gaytán moved, Mr. Renz seconded, and the Board, by unanimous vote (3-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (ff), specifically Milwaukee County Sheriff Office Rules and Regulations 202.14, 202.17, 202.19, 202.62.

### **B. SUSPENSION**

#### **VICTORIA MIKULA, DEPUTY SHERIFF 1, SHERIFF**

**Case # 1-4347 dated 08/08/2016 for IA #15-187 for 10 days**

The Board heard the report of Attorney Graham Wiemer, MacGillis Wiemer, LLC, on behalf of Victoria Mikula, who was not present, that Ms. Mikula waived her right to a hearing on the Notice of Suspension. Attorney Jennifer Rhodes, Assistant Corporation Counsel, concurred. Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (3-0), accepted the waiver and closed the case.

## **VIII. Litigation Updates**

*At 12:04 p.m., Mr. Renz moved, Mr. Gaytán seconded, and the Board voted 3-0 to go into closed session to discuss the Jacob Miller, James Tietjen, Victoria Mikula and Terry Schmit litigation matters. Attorney Michael Casey, outside counsel for the Personnel Review Board, joined the discussion via telephone. At 12:39 p.m., the Board reconvened in open session.*

*At 2:18 p.m., Mr. Renz moved, Mr. Gaytán seconded, and the Board voted 3-0 to go into closed session to deliberate on the Brian Fox and Jacob Miller matters. At 3:02 p.m., the Board reconvened in open session.*

With regard to the Jacob Miller matter, Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (3-0), determined that, as Mr. Miller had successfully completed the 23-month re-evaluation period previously issued by the Board prior to issuance of the appellate decision, the terms of the re-evaluation period have been rendered moot by the passage of time and Deputy Miller's conduct through September 28, 2016. As a result, the purpose of the Appellate Court's Remand Order is now moot.

## **IX. Adjournment**

Mr. Renz moved, Mr. Gaytán seconded, and the Board adjourned the meeting at 3:02 p.m.

Minutes submitted by: Alisha Terry, PRB/Ethics Board Administrative Assistant